

APPEAL NO. 022506  
FILED NOVEMBER 18, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was initially convened on May 2, 2002, at which time a motion for continuance was granted. The hearing was held on September 5, 2002, with the record closing on September 15, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable repetitive trauma injury; that the date of the claimed injury is \_\_\_\_\_; that the claimant did not give timely notice of the claimed injury to his employer; that the claimant timely filed a claim for compensation; and that he did not have disability. The claimant appeals the compensability, disability, and timely notice determinations. The respondent (carrier) argues that the claimant's appeal does not sufficiently state which issues he wishes to appeal and, therefore, it should not be given consideration. Alternatively, the carrier urges affirmance of the hearing officer's decision.

DECISION

We affirm.

We will address the adequacy of the claimant's appeal first, as it is jurisdictional. The question here is whether the attack on the hearing officer's decision in his request for review lacks the specificity required to invoke our jurisdiction. Section 410.202(c) provides as follows:

A request for appeal or a response must clearly and concisely rebut or support the decision of the hearing officer on each issue on which review is sought.

We have held that no particular form of appeal is required, and that an appeal, even though terse and unartfully worded, will be considered. Texas Workers' Compensation Commission Appeal No. 91131, decided February 12, 1992; Texas Workers' Compensation Commission Appeal No. 93040, decided March 1, 1993, and cases cited therein. We have also held that appeals that lack specificity will be treated as attacks on the sufficiency of the evidence. Texas Workers' Compensation Commission Appeal No. 92081, decided April 14, 1992. In the present case, while the claimant's request for review does not argue the specific evidence that constitutes the great weight and preponderance of the evidence contrary to the hearing officer's decision, it does clearly state that the claimant is appealing the hearing officer's adverse determinations regarding compensability, disability and timely notice. It is, therefore, adequate to invoke our jurisdiction.

Conflicting evidence was presented on the appealed issues in this case. The hearing officer is the sole judge of the weight and credibility of the evidence. Section

410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's findings of fact in this regard are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS  
350 NORTH ST. PAUL, SUITE 2900  
DALLAS, TEXAS 75201.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge